

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

KERRY JOSEPH DUGAS

CIVIL ACTION NO. 20-cv-0283

VERSUS

JUDGE JUNEAU

TOWN OF SUNSET ET AL

MAGISTRATE JUDGE WHITEHURST

**J U D G M E N T**

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, including the lack of written objections filed, and concurring with the findings of the Magistrate Judge under the applicable law;

**IT IS ORDERED** that the Motion to Dismiss Penalty, Punitive, or Exemplary Damages [Doc. 60] is GRANTED IN PART AND DENIED IN PART, as explained hereinbelow. IT IS ORDERED that defendants' motion to dismiss the plaintiffs' claim for punitive damages against the Town of Sunset is GRANTED, and that this claim is DENIED AND DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that defendants' motion to dismiss the plaintiffs' claim for punitive damages against Officers Simon and Day in their individual capacities is DENIED.

IT IS FURTHER ORDERED that defendants' motion to dismiss the plaintiff's claim for punitive damages against Chief Padilla in his official capacity is GRANTED.

IT IS FURTHER ORDERED that the defendants' motion to dismiss the plaintiff's state law claim for punitive damages is GRANTED as to all defendants, and these claims are be DENIED AND DISMISSED WITH PREJUDICE.

**THUS DONE AND SIGNED** in Lafayette, Louisiana, on this 13th day of July, 2020.

  
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MICHAEL J. JUNEAU  
UNITED STATES DISTRICT JUDGE